

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

MARSHALL McALLISTER,)
Plaintiff,) Case No. 2:09CV00016
v.)
JUDGMENT
COMMISSIONER OF) By: James P. Jones
SOCIAL SECURITY,) Chief United States District Judge
Defendant.)

It appearing that no objections have been timely filed to the Report filed March 31, 2010, setting forth the findings and recommendations of the magistrate judge, it is

ADJUDGED AND ORDERED as follows:

1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
2. The motions for summary judgment by the parties are DENIED;
3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: April 21, 2010
/S/ JAMES P. JONES

Chief United States District Judge